



COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF  
TELECOMMUNICATIONS & ENERGY**

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

**JANE SWIFT**  
GOVERNOR

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AND BUSINESS REGULATION

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COMMISSIONER

June 19, 2001

Bea Klemmensen  
NANPA CO Code Administration  
1800 Sutter Street, Suite 570  
Concord, CA 94520

RE: D.T.E. 01-33 - Verizon Request for a Growth Code in 617 NPA, Cambridge Rate Center

I. INTRODUCTION

On January 16, 2001, Verizon-Massachusetts ("Verizon") requested a growth code in the Cambridge rate center in order to accommodate a customer's request for an entire exchange code ending in a specific digit. On January 19, 2001, the North American Numbering Plan Administrator ("NANPA") denied Verizon's request for the growth code. On May 21, 2001, Verizon requested that NANPA set aside the requested 617-998 code, pending Verizon's appeal of NANPA's denial to the Massachusetts Department of Telecommunications and Energy ("Department"). On May 31, 2001, Verizon submitted a letter to the Department requesting that the Department overturn NANPA's denial of its growth code request. On June 1, 2001, Verizon notified the Department that NANPA had denied its request to set aside the 617-998 code; the Department then sent a letter to NANPA directing NANPA to set aside the 617-998 code pending the Department's final determination of Verizon's appeal.

II. ANALYSIS AND FINDING

NANPA denied Verizon's code request because Verizon did not meet the FCC's months-to-exhaust requirement. Pursuant to 47 C.F.R. § 52.15(g)(3)(iii),

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

The Department has the authority to review NANPA's denial of code requests pursuant to 47 C.F.R. 52.15(g)(3)(iv), which states in relevant part:

The carrier may challenge NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

Verizon submitted a letter from its customer stating that it needed the full code in order to continue its relationship with Verizon, and that being forced to rely on alternative providers would create "...an unnecessary hardship on [the customer.]" Verizon's customer forecasts that it will deploy the line numbers in the code over the course of the next six months.

Verizon also submitted confidential and proprietary information to the Department concerning its numbering resource inventory and utilization rates in the Cambridge rate center. The Department is satisfied that Verizon is truly unable to meet its customer's needs with resources from its existing inventory. The Department is further satisfied that Verizon does not suffer from "unclean hands," *i.e.* that Verizon's inability to meet its customer's request is not the result of poor stewardship over its existing numbering resources.

The Department concludes that the denial of a growth code in this circumstance presents competitive concerns, because Verizon's customer is denied its choice of service provider. When the FCC delegated authority to the Department to impose threshold requirements on carriers seeking growth codes, the FCC cautioned the Department to not apply any threshold test "...in such a manner as to deprive customers of their choice of carriers from whom to purchase service upon request."<sup>1</sup> The Department sees no reason to conclude that the FCC is less concerned about the potential anti-competitive effects of the inflexible application of a threshold requirement when the threshold requirement is its own.

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<sup>1</sup> In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, FCC 99-246, NSD File No. L-99-19, ¶ 32 (September 15, 1999).

III. ORDER

Accordingly, after due consideration, Verizon's request is granted, and NANPA is directed to immediately assign the 617-998 code to Verizon.

By the Commission,

\_\_\_\_\_/s/\_\_\_\_\_  
James Connelly, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
W. Robert Keating, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Paul B. Vasington, Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Eugene J. Sullivan, Jr., Commissioner

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\_\_\_\_\_/s/\_\_\_\_\_  
Deirdre K. Manning, Commissioner